

MEMO ENDORSED

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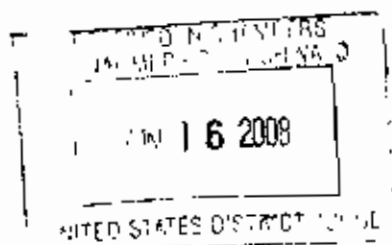
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June 13, 2008

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Honorable Naomi R. Buchwald
United States District Judge
500 Pearl Street, Room 2270
New York, New York 10007



Re: Ahava 002/Signature Bank v. Ahava Food Corp. et. al. 08 Civ. 3893 (NRB)(MHD)

Your Honor:

This letter confirms my conversation today with your clerk Josh.

By this letter, defendant Ahava of California LLC is taking its pending abstention motion before your honor off calendar. We will be dismissing the California case without prejudice, and we will be filing a counterclaim in this case. Simply put, it makes no sense to litigate two similar cases on two different coasts simultaneously. It is a waste of litigant and judicial resources.

Very truly yours,

Robert W. Hirsh

cc: Mara Levin, via fax: 212-545-3448
David Antonucci, via fax: 315-788-1643
Lawrence Fox, via fax: 212-826-3640

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Endorsement

The abstention motion
(Docket No. 9) is withdrawn.
The motion should be
marked off.

So Ordered.

Ramona Rose Burrows

6/17/08

